

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 et seq., the "Act"), and IDEM's permitting authority under IC 13-15, as amended, (formerly IC 13-7),

AMERICAN SUBURBAN UTILITIES

is authorized to discharge from a semi-public wastewater treatment plant located at the Carriage Estates Subdivision, 4100 Bridgeway Drive, West Lafayette, Indiana, to receiving waters named Indian Creek, thence to the Wabash River in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I and II hereof.

Effective Date: April 1, 2001

Expiration Date: February 28, 2006

In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as are required by the Indiana Department of Environmental Management no later than 180 days prior to the date of expiration.

Signed this 30th day of March, 2001, for the Indiana Department of Environmental Management.

Matthew C. Rueff
Assistant Commissioner
Office of Water Quality

TREATMENT FACILITY DESCRIPTION

This is a proposed revocation and reissuance of the NPDES permit for the Carriage Estates Subdivision's WWTP. The permittee previously operated a Class II, 0.76 MGD extended aeration wastewater treatment facility with flow meter, aeration tank, clarifier, chlorine contact tank, a polishing lagoon and a sludge holding lagoon.

American Suburban Utilities has expanded the Carriage Estates Subdivision's WWTP at its current plant site by installing a Class III, 1.5 MGD Sequential Batch Reactor (SBR) wastewater treatment facility. Existing raw sewage pumps, aeration blowers and chlorination equipment will be removed from service. The existing aeration and final settling tank will be converted to new aerobic digesters with coarse bubble diffusion. A new influent lift station will be installed followed by four inlet static fine screens. Treatment in the SBR will be followed by gas type chlorination in a concrete chlorine contact tank with dechlorination by sulfur dioxide gas before the entrance to the post aeration tank. An effluent lift station will be provided to pump the final effluent to the receiving stream outfall. Flow metering will be provided by two magnetic type flow meters, one for influent flow and one for effluent flow.

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge from Outfall 001. The permittee shall take samples and measurements to meet the effluent limitations and monitoring requirements at a location representative of the discharge. Such discharge shall be limited and monitored by the permittee as specified below:

TABLE 1

Parameter	Quantity or Loading		Units	Quality or Concentration		Units	Monitoring Requirements	
	Monthly Average	Weekly Average		Monthly Average	Weekly Average		Measurement Frequency	Sample Type
Flow [1]	Report	Report	MGD	--	--	-	5 X Weekly	24-Hr Total
CBOD ₅								
Summer [2]	175.2	262.9	lbs/day	14	21	mg/l	5 X Weekly	24-Hr. Comp.
Winter [3]	313.0	500.7	lbs/day	25	40	mg/l	5 X Weekly	24-Hr. Comp.
TSS								
Summer [2]	212.8	325.5	lbs/day	17	26	mg/l	5 X Weekly	24-Hr. Comp.
Winter [3]	375.5	563.3	lbs/day	30	45	mg/l	5 X Weekly	24-Hr. Comp.
Ammonia-nitrogen								
Summer [2]	16.3	25.0	lbs/day	1.3	2.0	mg/l	5 X Weekly	24-Hr. Comp.
Winter [3]	23.8	36.3	lbs/day	1.9	2.9	mg/l	5 X weekly	24-Hr. Comp.

TABLE 2

<u>Parameter</u>	Quality or Concentration			<u>Units</u>	Monitoring Requirements	
	<u>Daily Minimum</u>	<u>Daily Maximum</u>	<u>Monthly Average</u>		<u>Measurement Frequency</u>	<u>Sample Type</u>
Dissolved Oxygen [4]						
Summer [2]	6.0	----	----	mg/l	5 X Weekly	4 Grabs/24 hrs.
Winter [3]	5.0	-----	----	mg/l	5 X Weekly	4 Grabs/24 hrs.
pH	6.0	9.0	--	s.u.	5 X Weekly	Grab
Residual Chlorine [5]						
<i>E. coli</i>	—	235	125	Count/100 ml	5 X Weekly	Grab
Final Effluent [6]	—	0.02	0.01	mg/l	5 X Weekly	Grab

NOTE: Refer to Part I.B. of this permit for additional monitoring and reporting requirements.

- [1] Flow measurement is required per 327 IAC 5-2-13. The flow meter(s) shall be calibrated at least once annually.
- [2] Summer limitations apply from May 1 through November 30 of each year.
- [3] Winter limitations apply from December 1 through April 30 of each year.
- [4] The reported daily average concentration of dissolved oxygen in the effluent shall be the arithmetic mean determined by summation of the four (4) daily grab sample results and dividing this sum by four (4). These samples are to be collected over equal time intervals during the period of operator attendance.

Disinfection Requirements

- [5] In accordance with 327 IAC 5-10-6, the effluent shall be disinfected on a continuous basis such that excursions above the *E. coli* standards do not occur from April 1 through October 31, annually. Practice of chlorination for any reason from November 1 through March 31 shall result in the maximum residual chlorine restrictions and monitoring requirements being effective whenever the disinfectant is used.
- [6] Compliance with this permit will be demonstrated if the observed effluent concentrations are less than the limit of quantitation (0.06 mg/l). If the measured effluent concentrations are above the water quality-based permit limitations and above the limit of detection specified by the permit in any of three (3) consecutive analyses or any five (5) out of nine (9) analyses, the discharger is required to re-evaluate their chlorination/dechlorination practices to make any necessary changes to assure

compliance with the permit limitation for TRC.

Effluent concentrations less than the limit of quantitation shall be reported on the discharge monitoring report forms as the actual value. Effluent concentrations less than the limit of detection shall be reported on the discharge monitoring report forms as less than the value of the limit of detection. For example, if a substance is not detected at a concentration of 0.01 mg/l, report the value as #0.01 mg/l. At present, two methods are considered to be acceptable to IDEM, amperometric and DPD colorimetric methods, for chlorine concentrations at the level of 0.06 mg/l.

<u>Parameter</u>	<u>LOD</u>	<u>MDL</u>	<u>LOQ</u>
Chlorine	0.01 mg/l	0.02 mg/l	0.06 mg/l

Case-Specific MDL

The permittee may determine a case-specific method detection level (MDL) using the analytical method specified above, or any other test method which provides a MDL equal to or less than the specified MDL and which is approved by the IDEM prior to use. The MDL shall be derived by the procedure specified for MDLs contained in 40 CFR Part 136, Appendix B, and the limit of quantitation shall be set equal to 3.18 times the MDL. Other methods may be used if first approved by IDEM.

2. Minimum Surface Water Quality Requirements

The discharge from any and all point sources regulated within this permit shall not cause receiving waters, including the mixing zone, to contain substances, materials, floating debris, oil, or scum:

- a. that will settle to form putrescent or otherwise objectionable deposits;
- b. that are in amounts sufficient to be unsightly or deleterious;
- c. that produce color, visible oil sheen, odor, or other conditions in such degree as to create a nuisance;
- d. which are in amounts sufficient to be acutely toxic to, or to otherwise severely injure or kill aquatic life, other animals, plants, or humans;
- e. which are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such a degree as to create a nuisance, be unsightly, or otherwise impair the designated uses.

B. MONITORING AND REPORTING

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.

2. Data on Plant Operation

The raw influent and the wastewater from intermediate unit treatment processes, as well as the final effluent shall be sampled and analyzed for the pollutants and operational parameters specified by the applicable Monthly Report of Operation Form, as appropriate, in accordance with 327 IAC 5-2-13.

3. Reporting

The permittee shall submit monitoring reports to the Indiana Department of Environmental Management containing results obtained during the previous month and shall be postmarked no later than the 28th day of the month following each completed monitoring period. The first report shall be submitted by the 28th day of the month following the month in which the permit becomes effective. These reports shall include, but not necessarily be limited to, the Discharge Monitoring Report and the Monthly Report of Operation. The Regional Administrator may request the permittee to submit monitoring reports to the Environmental Protection Agency if it is deemed necessary to assure compliance of the permit.

4. Definitions

a. Effluent Limitations

The arithmetic mean of the CBOD₅, ammonia-nitrogen, TSS values and monthly average *E. coli* values for effluent samples collected in a calendar month, week or day shall not exceed the monthly averages, weekly averages or daily maximum values contained in the

Discharge Limitation Section of this permit for concentration and quantity.

b. Terms

- (1) "Monthly Average" - The monthly average discharge means the total discharge during a calendar month. The monthly average shall be determined by the summation of the measured daily discharge divided by the number of days during the calendar month when measurements were taken.
- (2) "Weekly Average" - The weekly average discharge means the highest average of a calendar week during a calendar month. The weekly average shall be determined by the summation of the measured daily discharge divided by the number of days during the calendar week when measurements were taken.
- (3) "Daily Maximum" -The daily maximum discharge limitation is the maximum allowable daily discharge for any calendar day. The "daily discharge" means the total mass of a pollutant discharged during the calendar day or, in the case of a pollutant limited in terms other than mass pursuant to 327 IAC 5-2-11(e), the average concentration or other measurement of the pollutant specified over the calendar day or any twenty-four hour period that reasonably represents the calendar day for the purpose of sampling.
- (4) The 24-hour Composite Sample consists of four (4) grab samples, one collected at a time representing the daily peak flow, and the other sample collected at a time representing the average daily flow. The grab samples for the composites shall be proportioned to flow. A flow proportioned composite sample is obtained by:
 - (a) recording the discharge flow rate at the time each individual sample is taken,
 - (b) adding together the discharge flow rates recorded from each individuals sampling time to formulate the "total flow value,"
 - (c) the discharge flow rate of each individual sampling time is divided by the total flow value to determine its percentage of the total flow value,
 - (d) then multiply the volume of the total composite sample by each individual samples percentage to determine the volume of that individual sample which will be included in the total composite sample.
- (5) CBOD₅: Carbonaceous Biochemical Oxygen Demand

(6) TSS: Total Suspended Solids

(7) *E. coli*: Escherichia coli bacteria

- c. The "Regional Administrator" is defined as the Region V Administrator, U.S. EPA, located at 77 West Jackson Boulevard, Chicago, Illinois 60604.
 - d. The "Commissioner" is defined as the Commissioner of the Indiana Department of Environmental Management, located at the following address: 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46206-6015.
5. Test Procedures

The analytical and sampling methods used shall conform to the current version of 40 CFR, Part 136. The approved methods may be included in the texts listed below. However, different but equivalent methods are allowable if they receive the prior written approval of the State agency and the U.S. Environmental Protection Agency. Where no test procedure under 40 CFR 136 has been approved, analytical work shall be conducted in accordance with the most recent edition of "Standard Methods for the examination of Water and Wastewater", published by the American Public Health Association (APHA) or as otherwise specified by the commissioner.

- a. Standard Methods for the Examination of Water and Wastewater
19th Edition, 1995, American Public Health Association,
Washington, D.C. 20005.
 - b. A.S.T.M. Standards, Part 23, Water; Atmospheric Analysis
1972 American Society for Testing and Materials,
Philadelphia, PA 19103.
 - c. Methods for Chemical Analysis of Water and Wastes
June 1974, Revised, March 1983, Environmental Protection
Agency, Water Quality Office, Analytical Quality Control
Laboratory, 1014 Broadway, Cincinnati, OH 45202.
6. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date, and time of sampling;

- b. The person(s) who performed the sampling or measurements;
- c. The dates the analyses were performed;
- d. The person(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of all required analyses and measurements.

7. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Monthly Discharge Monitoring Report. Such increased frequency shall also be indicated.

8. Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years. In cases where the original records are kept at another location, a copy of all such records shall be kept at the permitted facility. The three-year period shall be extended:

- a. automatically during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or regarding promulgated effluent guidelines applicable to the permittee; or
- b. as requested by the Regional Administrator or the Indiana Department of Environmental Management.

C. REOPENING CLAUSES

1. This permit may be modified or, alternately, revoked and reissued after public notice and opportunity for hearing to incorporate effluent limitations reflecting the results of a wasteload allocation if the Department of Environmental Management determines that such effluent limitations are needed to assure that State Water Quality Standards are met in the receiving stream.
2. This permit may be modified due to a change in sludge disposal standards pursuant to Section 405(d) of the Clean Water Act, if the standards when promulgated contain different conditions, are otherwise more stringent, or control pollutants not addressed by this permit.
3. This permit may be modified, or alternately, revoked and reissued, after public notice and opportunity for hearing, to include a case-specific Method Detection Level (MDL). The permittee must demonstrate that such action is warranted in accordance with the procedure specified under Appendix B, 40 CFR Part 136, or approved by the Indiana Department of Environmental Management.
4. This permit may be modified or, alternatively, revoked and reissued after public notice and opportunity for hearing to include and/or modify limitations to reflect any change in Indiana Water Quality Standards.

D. REGIONALIZATION REQUIREMENTS

In accordance with 327 IAC 5-10-7(a), if the Commissioner finds it in the interest of the health, safety, convenience, and welfare of the residents of any area, any person, publicly or semipublicly owned sewage treatment systems may be ordered to connect to and/or receive and treat sewage from any other person or from an industry, shopping center, mobile home park, school, or housing development when such service and use will not result in irreparable injury to the receiving equipment or make impossible the rendering of the service previously provided to the users of such equipment. Subject to right of appeal from such a finding, the persons involved shall then negotiate the terms for such connection and service, in accordance with the terms of IC 13-18-15-2 (formerly IC 13-7-15-1).

PART II

A. GENERAL CONDITIONS

1. Duty to Comply

The permittee shall comply with all conditions of this permit in accordance with 327 IAC 5-2-8(1). Any permit noncompliance constitutes a violation of the Clean Water Act and IC 13 and is grounds for enforcement action or permit termination, revocation and reissuance, modification, or denial of a permit renewal application.

2. Duty to Mitigate

In accordance with 327 IAC 5-2-8(3), the permittee shall take all reasonable steps to minimize any adverse impact to waters of the State resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

3. Duty to Provide Information

In accordance with 327 IAC 5-2-8(4)(B) and 40 CFR 122.41(h), the permittee shall furnish to the Commissioner, within a reasonable time, any information which the Commissioner may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. In accordance with 327 IAC 5-2-8(7)(B), the permittee shall also furnish to the Commissioner, upon request, copies of records required to be kept by this permit.

4. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a renewal of this permit in accordance with 327 IAC 5-2-8(2). It is the permittee's responsibility to request the application. The application must be submitted at least 180 days before the expiration date of this permit. The Commissioner may grant permission to submit an application less than 180 days in advance of the expiration date of this permit but no later than the permit expiration date.

As required under 327 IAC 5-2-3(g)(1) and (2), POTWs with design influent flows equal to or greater than one million (1,000,000) gallons per day and POTWs with approved or that are to required to develop a pretreatment program, will be required to provide the results of whole effluent toxicity testing as part of their NPDES renewal application.

5. Transfers

In accordance with 327 IAC 5-2-8(4)(D), this permit is nontransferable to any person except after notice to the Commissioner pursuant to 327 IAC 5-2-6(c). The Commissioner may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

6. Permit Actions

In accordance with 327 IAC 5-2-8(4)(A), this permit may be modified, revoked and reissued, or terminated for cause, including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

The filing of (1) a request by the permittee for a permit modification, revocation and reissuance, or termination, or (2) a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

7. Property Rights

The issuance of this permit does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or an invasion of personal rights, nor any infringement of federal, state, or local laws or regulations as stated in 327 IAC 5-2-8(6).

8. Severability

In accordance with 327 IAC 1-1-3, the provisions of this permit are severable and, if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application or such provision to other circumstances and the remainder of this permit shall not be affected thereby.

9. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under Section 311 of the Clean Water Act.

10. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act.

11. Penalties for Violation of Permit Conditions

Pursuant to IC 13-30 and 327 IAC 5-2-20, any person who violates a permit condition implementing Sections 301, 302, 306, 307, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$25,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, or 308 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both. If the conviction is for a violation committed after a first conviction of such person under this provision, punishment shall be a fine of not more than fifty thousand dollars (\$50,000) per day of violation, or by imprisonment for not more than two (2) years, or both.

Except as provided in permit conditions on "Bypass of Treatment Facilities," Part II.B.2., and "Upset Conditions," Part II.B.3., nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

12. Toxic Pollutants

Notwithstanding Part II.C.3., if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition in accordance with 327 IAC 5-2-8(5).

13. Containment Facilities

When cyanide or cyanogen compounds are used in any of the processes at this facility, the permittee shall provide approved facilities for the containment of any losses of these compounds in accordance with the requirements of 327 IAC 2-2-1.

14. Operator Certification

The permittee shall have the wastewater treatment facilities under the direct supervision of an operator certified by the Commissioner as required by IC 13-18-11 and 327 IAC 8-12-3.

15. Construction Permit

The permittee shall not construct, install, or modify any water pollution control facility without a valid construction permit issued by the Commissioner pursuant to 327 IAC 3-2. Upon completion of any construction, the permittee must notify the Compliance Evaluation Section of the Office of Water Quality in writing.

16. Inspection and Entry

In accordance with 327 IAC 5-2-8(7), the permittee shall allow the Commissioner, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

B. MANAGEMENT REQUIREMENTS

1. Facility Operation, Maintenance and Quality Control

Pursuant to 327 IAC 5-2-8, all waste collection, control, treatment, and disposal facilities shall be operated in a manner consistent with the following:

- a. at all times, all facilities shall be operated as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants.
- b. the permittee shall provide an adequate operating staff which is duly qualified to carry out the operation, maintenance, and testing functions required to ensure compliance with the conditions of this permit.
- c. maintenance of all waste collection, control, treatment, and disposal facilities that results in degradation of effluent quality shall be scheduled during noncritical water quality periods and shall be carried out in a manner approved by the Commissioner.
- d. Any extensions to the sewer system must continue to be constructed on a separated basis. Plans and specifications for extension of the sanitary system must be submitted to the Facility Construction Section, Office of Water Quality in accordance with 327 IAC 3-2-1. There shall also be an ongoing program to prevent deterioration of the sanitary sewer system.

2. Bypass of Treatment Facilities

Pursuant to 327 IAC 5-2-8(11):

- a. Terms as defined in 327 IAC 5-2-8(11)(A):
 - (1) "Bypass" means the intentional diversion of a waste stream from any portion of a treatment facility.
 - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

- b. Bypasses, as defined above, are prohibited, and the Commissioner may take enforcement action against a permittee for bypass, unless:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, as defined below;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The permittee submitted notices as required under Part II.B.2.d; or
 - (4) The condition under Part II.B.2.f below is met.
- c. In accordance with 327 IAC 2-6.1, bypasses which result in damage or death are subject to the "Two-Hour Reporting Requirements" in Part II.C.9 of this permit.
- d. The permittee must provide the Commissioner with the following notice:
 - (1) If the permittee knows or should have known in advance of the need for a bypass (anticipated bypass), it shall submit prior written notice. If possible, such notice shall be provided at least ten (10) days before the date of the bypass for approval by the Commissioner.
 - (2) The permittee shall orally report an unanticipated bypass within 24 hours of becoming aware of the bypass event. The permittee must also provide a written report within five (5) days of the time the permittee becomes aware of the bypass event. The written report must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the event. Alternatively, in accordance with 327 IAC 2-6.1, the permittee may be subject to the "Two-Hour Reporting Requirements" in Part II.C.9 of this permit if the unanticipated bypass causes damage to waters of the State.

- e. The Commissioner may approve an anticipated bypass, after considering its adverse effects, if the Commissioner determines that it will meet the conditions listed above in Part II.B.2.b. The Commissioner may impose any conditions determined to be necessary to minimize any adverse effects.
- f. The permittee may allow any bypass to occur that does not cause a violation of the effluent limitations in the permit, but only if it also is for essential maintenance to assure efficient operation. This provision will be strictly construed. These bypasses are not subject to the provisions of Part II.B.2.c and d of this permit.

3. Upset Conditions

Pursuant to 327 IAC 5-2-8(12):

- a. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. An upset shall constitute an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Paragraph c of this subsection, are met.
- c. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:
 - (1) An upset occurred and the permittee has identified the specific cause(s) of the upset, if possible;
 - (2) The permitted facility was at the time being operated in compliance with proper operation and maintenance procedures;
 - (3) The permittee complied with any remedial measures required under "Duty to Mitigate", Part II.A.2; and
 - (4) The permittee submitted notice of the upset as required in the "Twenty-Four Hour

Reporting Requirements,” Part II.C.3, or the “Two Hour Reporting Requirements,” Part II.C.9, whichever is applicable.

4. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed from or resulting from treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the State and to be in compliance with all Indiana statutes and regulations relative to liquid and/or solid waste disposal.

- a. Collected screenings, slurries, sludges, and other such pollutants shall be disposed of in accordance with methods established in 329 IAC 10 and 327 IAC 6.1, or another method approved by the Commissioner.
- b. The permittee shall comply with existing federal regulations governing solids disposal, and with applicable 40 CFR Part 503, the federal sludge disposal regulation standards.
- c. The permittee shall notify the Commissioner prior to any changes in sludge use or disposal practices.

5. Power Failures

In accordance with 327 IAC 5-2-8(13), in order to maintain compliance with the effluent limitations and prohibitions of this permit, the permittee shall either:

- a. provide an alternative power source sufficient to operate facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit, or
- b. shall halt, reduce or otherwise control all discharge in order to maintain compliance with the effluent limitations and conditions of this permit upon the reduction, loss, or failure of one or more of the primary sources of power to facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit.

C. REPORTING REQUIREMENTS

1. Planned Changes in Facility or Discharge

Pursuant to 327 IAC 5-2-8(10)(F) any anticipated facility expansions, production increases, or process modifications which will result in new, different, or increased discharges of pollutants must be reported by submission of a new NPDES application or, if such changes will not violate the effluent limitations specified in this permit, by advance notice to the Commissioner of such changes. Following such notice, the permit may be modified to revise existing pollutant limitations and/or to specify and limit any pollutants not previously limited.

2. Monitoring Reports

Pursuant to 327 IAC 5-2-8(9) and 327 IAC 5-2-13, monitoring results shall be reported at the intervals and in the form specified in "Data On Plant Operation", Part I.B.2.

3. Twenty-Four Hour Reporting Requirements

Pursuant to 327 IAC 5-2-8(10), the permittee shall orally report to the Commissioner information on the following types of noncompliance within 24 hours from the time permittee becomes aware of such noncompliance:

- a. Any unanticipated bypass which exceeds any effluent limitation in the permit;
- b. Any noncompliance which may pose a significant danger to human health or the environment;
- c. Any upset (as defined in Part II.B.3 above) that exceeds any effluent limitations in the permit;
- d. Any discharge from a sanitary sewer overflow which is identified in this permit;
- e. Any dry weather discharge from a combined sewer overflow which is identified in this permit.

The permittee can make the oral reports by calling 317/232-8795 during regular business hours or by calling 317/233-7745 (888/233-7745 toll free in Indiana) during non-business hours. A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce and eliminate the noncompliance and prevent its recurrence.

The Commissioner may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. Alternatively the permittee may submit a "Bypass Fax Report" to IDEM at 317/232-8637. If a complete fax submittal is sent within 24 hours of the time that the permittee became aware of the occurrence, then the fax report will satisfy both the oral and written reporting requirements.

4. Other Noncompliance

Pursuant to 327 IAC 5-2-8(10)(D), the permittee shall report any instance of noncompliance not reported under the "Twenty-Four Hour Reporting Requirements" in Part II.C.3 or any compliance schedules at the time the pertinent Discharge Monitoring Report is submitted. The report shall contain the information specified in the compliance schedule.

5. Other Information

Pursuant to 327 IAC 5-2-8(10)(E), where the permittee becomes aware of a failure to submit any relevant facts or submitted incorrect information in a permit application or in any report, the permittee shall promptly submit such facts or corrected information to the Commissioner.

6. Signatory Requirements

Pursuant to 327 IAC 5-2-22 and 327 IAC 5-2-8(14):

- a. All reports required by the permit and other information requested by the Commissioner shall be signed and certified by a person described below or by a duly authorized representative of that person:
 - (1) For a corporation: by a principal executive defined as a president, secretary, treasurer, any vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making functions for the corporation or the manager of one or more manufacturing, production, or operating facilities employing

more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (25,000,000) (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

(3) For a federal, state, or local governmental body or any agency or political subdivision thereof: by either a principal executive officer or ranking elected official.

b. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described above.

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

(3) The authorization is submitted to the Commissioner.

c. Certification. Any person signing a document identified under paragraphs a and b of this section, shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

7. Availability of Reports

Except for data determined to be confidential under 327 IAC 12, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Indiana Department of Environmental Management and the Regional Administrator. As required by the Clean Water Act, permit applications, permits, and effluent data shall not be considered confidential.

8. Penalties for Falsification of Reports

IC 13-30 and 327 IAC 5-2-10(14) provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, shall, upon conviction, be punished by a fine or not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

9. Two-Hour Reporting Requirement

Pursuant to 327 IAC 2-6.1, any discharge of pollutants to waters of the State from the permittee's collection system or wastewater treatment plant which results in damage, acute injury, or death to any humans, animals, or aquatic life must be reported as soon as possible, but within two (2) hours after the permittee becomes aware of the occurrence. (This includes any discharge regardless of whether or not it is authorized by the NPDES permit).

Any discharge of pollutants which enters waters of the state from the permittee's collection system or wastewater treatment plant and which is not authorized by the NPDES permit must also be reported within two (2) hours after the permittee becomes aware of the occurrence. [Note: Only those outfalls which are specifically identified in Part I.A, Part II.B.2.f, and/or Attachment A of this permit are considered to be authorized discharges under this NPDES permit]. Any unauthorized discharge of pollutants from the collection system which does not reach waters of the State must be reported to the IDEM in accordance with the "Twenty-Four Hour Reporting Requirements" in Part II.C.3.

The permittee is required to notify IDEM's Office of Emergency Response at 317/233-7745 or 888/233-7745 (toll-free within Indiana) of any discharges which meet the criteria of 327 IAC 2-6.1.